

December 5, 2007

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Re: Docket 87-268

Further Response to “Opposition to Petitions for Reconsideration”, from  
the  
Association for Maximum Service Television, dated December 3, 2007.

This Reply will serve as a further response to the “Opposition to Petitions for Reconsideration” from the Association for Maximum Service Television (MSTV), dated December 3, 2007.

I. The Petitioner, hence MSTV, laments the seemingly insurmountable challenges of repurposing the Channel 6 bandwidth, 82-88 MHz, for expanded FM radio service. MSTV claims, “It would not be fair to these stations’ viewers to require them to accept interference from radio stations or to force the stations to find alternative post-transition allotments (a task that will be impossible in some crowded markets). Nor would it be reasonable to remove two channels out of the available pool of channels for television broadcasting in light of the hundreds of low power television services using these channels and the requirement that the Commission create and protect 175 new DTV allotments pursuant to the Community Broadcasters Protection Act of 1999.”

First, I propose only to repurpose the Channel 6 bandwidth, at 82-88 MHz, for expanded FM radio service, not the Channel 5 bandwidth. Taking only the current and proposed Channel 6 TV allocations into consideration, the Commission database provides the following information:

1. Presently, there are only eight (8) analog, Low Power TV (LPTV) stations in the entire country that are licensed on Channel 6 as Class A, meaning these stations are granted the same interference and other protections as their full-power TV counterparts. All other LPTV stations in the U.S. operating on Channel 6 (or any channel) are not granted the protection that Class A LPTV stations are. These non-Class A LPTVs were granted their Licenses or Construction Permits with the explicit understanding that they may be required to relocate their facilities to another frequency if needed; that they accept interference from, and not cause interference to, protected

classes of TV stations; or even to cease operations if no alternative frequencies are available.

Therefore, as far as Class A LPTV stations now on Channel 6 are concerned, the level of the challenge of moving these stations is not insurmountable. Neither technical considerations nor the mandates of the Community Broadcasters Protection Act of 1999 stand in the way of moving a relatively miniscule number of Class A LPTVs now located on Channel 6.

2. Currently, only three (3) Construction Permits (CPs) have been issued by the Commission for the buildout of full power DTV stations on Channel 6. Two of the three CPs are in sparsely populated areas (Anchorage, Alaska and Weston, West Virginia), where alternate frequencies can be easily found. The third CP, in New Haven, Connecticut, can be reassigned to a UHF frequency.

3. As for *proposed* (not granted a CP or License) full-power DTV stations on Channel 6, a cursory examination of Appendix A to the Seventh Report and Order and Eighth Further Notice of Proposed Rule Making (MB Docket No. 87-268), released on August 6, 2007, indicates only about a dozen allocations are presented for stations operating on Channel 6 in the U.S. With a couple of notable exceptions (Philadelphia, Pennsylvania, for example), these proposed Channel 6 allocations are in rural or sparsely populated areas, where alternate allocations can be easily accommodated.

While additional negotiations with Canada and Mexico would be required to remove proposed or actual Channel 6 analog and DTV allocations, this task is, again, not an insurmountable or impossible endeavor. The Commission's International Bureau staff negotiates with their Canadian and Mexican counterparts on a very regular basis.

II. It is worth reminding the Commissioners, FCC staff, and Members of Congress that repurposing the 82-88 MHz bandwidth for FM radio service would result in the creation of 30 new FM frequencies, stretching from 82.1 MHz to 87.9 MHz. Across the U.S. and its territories, these 30 new frequencies would provide for thousands of new FM radio allocations, to be used for Low Power FM (LPFM), FM translator (FX), and Noncommercial/Educational (NCE) stations in this new "reserved" band.

And, as I propose, moving incumbent LPFM, FX and NCE stations from the "non-reserved" band to the expanded, "reserved" band would lead to greater spectrum use and efficiency for commercial FM stations. Considering the huge demand for FM radio service in the U.S., this proposal would result in a far more efficient use of the 82-88 MHz spectrum than the very limited and inefficient proposal for DTV on Channel 6.

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